



## Administrative Regulation

### Leave of Absence

<b>Policy #</b>	03-02.03
<b>Effective Date:</b>	November 28, 2017
<b>Revision Date:</b>	June 6, 2022
<b>Owner:</b>	Human Resources

#### **Purpose:**

To provide City employees with a process for requesting an unpaid leave of absence when justified by personal circumstances.

#### **Scope:**

This regulation applies to all employees.

#### **Policy:**

The City of Springfield expects its employees to attend to personal matters outside of working hours or during scheduled time off. However, personal circumstances may necessitate an absence from work that extends beyond paid time off or after a protected leave has ended. Employees may request a leave of absence typically not to exceed six (6) months, which is subject to approval by the employee's department director in consultation with Human Resources.

#### **Procedure:**

##### 1. Requesting a leave.

- 1.1. All regular employees with at least twelve (12) calendar months of consecutive service are eligible to request a personal leave of absence without pay. Provisions of the collective bargaining agreements prevail for represented employees.
- 1.2. A request for a leave of absence (LOA) must be in writing and must establish a reasonable justification for the approval of the request.
- 1.3. The supervisor and department director, in consultation with Human Resources, may choose to approve or deny the request for personal leave.
  - 1.3.1. A leave of absence will not be granted to allow an employee time off to seek employment elsewhere or to work for another employer. Employees who begin employment elsewhere while on LOA, except Military Reserve Duty, are considered to have voluntarily resigned from their positions with the City.

- 1.4. Approved personal leaves of absence will typically not exceed six (6) months for any one specific personal circumstance. If the employee does not return to work at the end of the approved leave, employment may be terminated.

## 2. Types of Leave.

### 2.1. *Extended Medical Leave of Absence.*

- 2.1.1. When an employee is ill, pregnant, or has an injury which prevents an employee from working up to six (6) months (180 calendar days), the employee will remain on active payroll until all accrued sick leave is used. This leave will typically run concurrently with Family Medical Leave (Federal and State).
- 2.1.2. The employee is expected to return to work immediately upon full release by their physician. Should the employee not return to work upon release by the attending physician, employment may be terminated.
- 2.1.3. Employees will notify their department director/designee or HR regarding any changes to their medical status during the duration of the approved leave.

### 2.2. *Religious Observance Leave and Accommodation*

- 2.2.1. The City respects the sincerely held religious beliefs and observances of all employees. The City will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on the City's business.
- 2.2.2. Employees may use vacation, Paid Time Off (PTO), Compensatory Time, Floating Holiday, or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave.
- 2.2.3. Requests for religious leave or accommodation should be made with Human Resources, and may require the requesting employee to provide proof of the "sincerely held" religious belief

### 2.3. *Military Leave*

- 2.3.1. Employees who wish to serve in the military and take military leave should contact Human Resources for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.
- 2.3.2. Eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United

States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed fifteen (15) calendar days in any federal training year. Weekend drill obligations are not considered “federal active duty” for training under this policy; other requirements apply.

2.3.3. Please contact Human Resources for more information and to make arrangements for this paid leave.

2.4. *Jury Duty & Witness Leave.* The City encourages employees to serve on jury duty and to serve as a witness when summoned. Employees are required to inform their direct supervisor as early as possible when they are called to jury or witness duty and are required to provide a copy of the summons. In cases of extreme business pressures, management may ask employees to request a postponement from jury duty, which may or may not be granted by the court. An employee holding a regular position shall be granted leave of absence with pay for the following:

2.4.1. *Jury Duty Pay.* Employees on any shift or work schedule are granted leave with pay for actual time on a jury duty, including grand-jury duty, and related travel not to exceed the number of hours of the employee’s normal workday and work week.. If an employee is dismissed from jury service prior to the end of their regularly scheduled workday, the employee is expected to report to work for the remainder of the work day, unless otherwise approved by their supervisor.

2.4.2. *Witness Leave Pay*

2.4.2.1. Time spent attending an administrative or legal proceeding on behalf of the City is counted as time worked. Any money received for said appearance during working hours other than mileage reimbursement for the use of the employee’s personal vehicle must be turned in to the City.

2.4.2.2. When served with a work related subpoena that compels presence as a witness (other than as a paid expert witness), regular employees on any shift or work schedule are granted leave with pay for actual time spent at administrative or legal proceedings and in related travel, not to exceed the number of hours in a normal workday and work week.

2.4.2.3. Employees must use personal leave if the employee is the plaintiff, defendant, or a witness in a matter outside of the scope of their job.

2.5. *Funeral/Compassionate Leave*

2.5.1. Employees on the Sick/Vacation plan may be granted City paid leave not to exceed five working days in the event of a death in the immediate family with pay to make funeral arrangements, if necessary, and to attend the funeral. Employees on the Paid Time Off leave plan must use their available leave balances.

2.5.2. Leave may be taken continuously or intermittently within 60 days of the notification of the death.

2.5.3. Concurrent with the benefit described above, employees may be granted additional bereavement leave as provided in accordance with the Oregon Family Leave Act, see the City's Family Medical Leave administrative regulation.

2.6. *Personal Leave.* Upon prior approval, the department director may grant a leave of absence not to exceed three (3) continuous months. Employees must exhaust all available paid leaves before taking an unpaid leave. Leave of absence in excess of three (3) continuous months must be approved by the City Manager. The City Manager may grant any employee a leave of absence without pay for a period not to exceed twelve (12) months.

### 3. Benefits and Service Credit While out on a Leave of Absence.

3.1. Employees on an unpaid personal leave of absence may continue medical and dental insurance for up to three (3) months by paying the full premium. COBRA continuation may be elected for leaves extending beyond three (3) months. Group life insurance and long-term disability coverage will continue during the approved leaves as defined in the benefit policy document. The employee is responsible for premium payments for any voluntary coverage. All other benefits will cease for the duration of the leave.

3.2. All accrued PTO, vacation, and compensatory time will be used in advance of an unpaid leave. PTO, sick leave, vacation hours and seniority<sup>2</sup> do not accrue during a leave of absence without pay.

3.3. Any leave without pay in excess of thirty (30) consecutive days shall result in the seniority date being adjusted for the period of time.

3.4. If a holiday occurs during an employee's paid time off, vacation or sick leave, the time will be coded as holiday pay and not charged to individual leave banks. Holiday pay is not paid during any unpaid leave of absence that is not protected by FMLA/OFLA leaves of absences.

### 4. Returning from a Personal Leave of Absence.

4.1. An employee is required to return from unpaid personal leave on the originally scheduled return date. If the employee is unable to return, within at least seven (7) days prior to the approved leave expiring, the employee must submit a written request for an extension stating the reason, the duration of additional leave and any supporting documentation.

- 4.2. Upon returning, employees will be returned to their original position if the job is available and the employee is able to perform the job. If no position is available when the employee is able to return to work, the employee will be put on layoff status.

### **Definitions**

1. “*Immediate family*” is defined as employee’s spouse, same-gender domestic partner, a parent including a custodial parent, non-custodial parent, biological parent, adoptive parent, foster parent, parent-in-law, a parent of a same-gender, siblings, domestic partner, a person with whom the employee has or is in a relationship of in loco parentis, a child including biological child, an adopted child, step-child, foster child, a child of a same-gender domestic partner, grandparent, and grandchild.
2. “Seniority” is the length of continues service with the City from the date of hire, provided the probationary period has been satisfactorily completed

### **Resources:**

1. [Family Medical Leave Administrative Regulation](#)
2. [Paid Time Off \(PTO\) Administrative Regulation](#)

**CREATION (Original):**

This administrative regulation is in effect as of the date of my signature. I authorize the Human Resource Director to modify the history and resources sections and header, footer, and numbering without my reauthorization. The administrative regulation remains in effect should these revisions occur.			
<b>Approved By:</b>	Gino Grimaldi, City Manager	<b>Dates:</b>	11/28/2017
<b>Author:</b>	Chaim Hertz, Director of HR		
<b>Responsible Party:</b>	Human Resources		
<b>Replaces:</b>	Policy and Procedure Manual sections 9.5, 9.6, and 9.8		

**PERIODIC REVIEW:**

<b>Reviewer:</b>		<b>Date:</b>	
<b>Reviewer:</b>		<b>Date:</b>	
<b>Reviewer:</b>		<b>Date:</b>	
<b>Reviewer:</b>		<b>Date:</b>	
<b>Reviewer:</b>		<b>Date:</b>	

**REVISIONS:**

<b>Version #3:</b>	<b>Responsible Party:</b>	Human Resources		
	<b>Revised By:</b>	Chaim Hertz, Director of Human Resources		
	<b>Approved By:</b>	Nancy Newton, City Manager	<b>Date:</b>	June 2, 2022
	<b>Reason/Summary of Changes:</b>	Retitled Bereavement to "Funeral/Compassionate Leave" and clarified the purpose of the leave to be consistent with labor contracts. Also changed the definition of immediate family, which had incorrectly excluded adult children.		

  

<b>Version #2:</b>	<b>Responsible Party:</b>	Human Resources		
	<b>Revised By:</b>	Chaim Hertz, Director of Human Resources		
	<b>Approved By:</b>	Nancy Newton, City Manager	<b>Date:</b>	January 27, 2022
	<b>Reason/Summary of Changes:</b>	Added Religious Observance Leave and Accommodation, changes made to military leave language to better comply with changing federal regulations, removal of the requirement for employees to hand over jury duty fees to Finance, and language clarification to bereavement leave to separate City paid leave from protected OFLA Bereavement leave.		